

COMMUNICATION.

TO MARTIN VAN BUREN.—No. 5.

At the time when preliminary measures were taken for the admission of the State of Missouri into the Union, an attempt was made to impose a restriction prohibiting the introduction of slavery into the State as a condition of the admission. On that occasion the question was elaborately argued and resisted whether Congress possessed the constitutional power to impose such a restriction, upon the ground that the prescribing such a condition is repugnant to the sovereignty of a State to be admitted, and its political equality with the other States of the confederacy.

Before we proceed any further in this investigation, let us refer to the restricting resolutions as adopted by the Legislature of New York, and which received your support in that body. These resolutions, it will be observed, were adopted with the view of controlling the action of Messrs. King and Sandford, then members of the Senate of the United States.

PREAMBLE AND RESOLUTION.

"Whereas, the controlling further extension of slavery in these United States is a subject of deep concern to the people of this State; and whereas, we consider slavery as an evil much to be deplored, and that every constitutional barrier should be interposed to prevent its further extension; and that the Constitution of the United States clearly giving to Congress the right to require of new States not comprehended within the boundaries of the United States the prohibiting of slavery as a condition of this admission into the Union: therefore.

"Resolved, (if the honorable Senate concur therein,) that our Senators be instructed, and our Representatives in Congress be requested, to oppose the admission as a State into the Union of any Territory not comprised as aforesaid, making the prohibition of slavery therein an indispensable condition of admission."

On the 29th of January, 1820, the Senate took up the resolution, and passed the same unanimously, the following Senators being present: Messrs. Adams, Austin, Barnum, Barlow, Bruine, Childs, Dudley, Dayton, Dimiss, Evans, Forthington, Hammond, Hart, Livingston, Loundsberry, McMartin, Moons, Mallory, Moore, Noyes, Payne, Ross, Rozencants, Swann, VAN BUREN, Wilson, Young—28.

It is contended that under the Constitution Congress had the power to impose this or any other restriction, or to require of the people of Missouri their assent to this condition, as a prerequisite to their admission into the Union. This position is supported by the language of the Constitution, from the practice in the admission of new States under that instrument, and from the express terms of the treaty of cession.

The advocates of this restriction never contended, on the other hand, that they derived the power to impose restrictions on the admission of a State into the Union from an original grant, but a derivative power included in the mass of incidental powers. The clause of the Constitution which relates to the admission of new States is in these words: "The Congress may admit new States into this Union," &c., and the advocates for the restriction maintained on the floor of Congress that the use of the word "may" implied discretion to omit or reject; and in this large discretion it involved another—that of prescribing the terms and conditions of admission in case Congress is disposed to admit.

It was contended by Mr. King, who was instructed by you to support a restriction prohibiting the introduction of slavery into the Territory of Missouri, that as this power of admitting new States is conferred without limitation, the time and circumstances of the admission of new States, are referred to the discretion of Congress, which may admit new States, but are not obliged to do so; but according to his reasoning, "it is a mere matter of discretion, and nothing obligatory, in Congress to admit a new State into the Union, and that Congress, judging of the circumstances of the admission, may annex conditions of the most degrading character."

Let us return to the restriction which was supported by Messrs. King and Sandford, in obedience to instructions emanating from the Legislature of New York.

A Senator from Pennsylvania moved the following amendment to the bill to admit Missouri into the Union. (See journals of the Senate, January 17, 1820.) "Provided, That the further introduction into said State of persons to be held to slavery or involuntary servitude within the same, shall be directly and irrevocably prohibited."

In opposition to this restriction it was contended that if the power of prohibiting the introduction of slaves in a new State belong to Congress, they have the other and much more important right of regulating the institutions of slavery in the several States of the Union. Will the exercise of such a power add to the solidity or permanency of this confederacy? The State of Missouri claimed to be admitted into the family of States under the treaty with France and the Constitution of the United States. No objections were raised except on the subject of slavery. She asked for her rights. The citizens demanded the right of retaining their slaves in bondage, and that emigrants might bring within the borders of the State their slaves and hold them in servitude. These rights you denied them. You contended that under the Constitution the Congress of the United States possessed the power of prohibiting the introduction of slaves into the State of Missouri, and that she could not be admitted into the Union upon an equal footing with the other States of the confederacy.

What said Virginia on this deeply interesting question to the Southern States? By an examination of the journals of her Legislature in January, 1820, we find a decided opinion expressed against the imposition of such a restriction as supported by you in the Senate of New York. This expression of opinion was almost unanimous.

A preamble and resolutions were presented by General Baldwin, declaring in the most unequivocal terms, her determined opposition to the measure then urged in the Congress of the United States, requiring, *a priori*, the incorporation of a fundamental and unalterable stipulation, that slavery should be excluded from the Territory of Missouri. I will cite a portion of the preamble with the view of enabling your friends to contrast the views then entertained by Virginia as regards this vital question, and those which you maintained as a member of the Legislature of New York. "The General Assembly of Virginia cannot believe that Congress will arrogate to itself a power far beyond the limits of the constitutional charter, involving a flagrant violation of solemn treaty; of serious and portentous danger to the

sovereign rights reserved to the States, alarming as it respects the future liberties of the people, and tending immediately to weaken the strong cement of mutual concession and confidence in which the foundation of our happy Union was laid." In support of these general declarations, the Legislature adopted a resolution, "that the Congress of the United States have no power under the Federal Constitution to dictate to the people in the Missouri Territory what principles shall be given them in the formation of their Constitution or system of Government." The State of Virginia, faithful to her political principles, denounced the attempt then agitated in Congress to fetter Missouri with restrictions, as a measure tending to the subversion of Southern institutions and as alarming "to the future liberties of the people." I ask you, can she support the man who has thus advocated resolutions, requiring Senators in Congress to maintain a policy which she has declared by her sovereign organ, the Legislature, to be destructive to the public peace, and an infraction of "sovereign rights reserved to the States," and "exciting feelings eminently hostile to the affection and prudent forbearance which ought ever to pervade these confederated States." Is this Jeffersonian democracy? Is the exercise of such a power conformable to the tenets of the Republican party? Read the correspondence of Mr. Jefferson with the patriots of the day, and he declares to the world that the attempt to fasten on the State of Virginia a restriction as regards her admission into the Union, is "treason against human hope."

Now allow this the fullest latitude which your friends claim for it, and it works an entire change in the character of the Government. This is the natural and necessary consequence of the application to the Constitution of such a doctrine. Let me ask the people of the South and the Western States, if they are prepared to sustain such a doctrine.

During the discussion of the alarming doctrine contained in the propositions as submitted to Congress relatively to the State of Missouri, where do we find Clay, Lowndes, Pinckney of S. C., Randolph, Tucker, and Barbour, of Virginia; were they supporting encroachments on the Federal Constitution? Were they denouncing Southern institutions when the constitutional rights of the State of Missouri were assailed—when the glorious institutions of the country seemed to feel the shock of the convulsive throes which then agitated the whole country—when the political horizon was darkened by storms of the most portentous character, and the patriot's heart was sickening at the prospect of the overthrow of everything that was splendid in our Government, who stood firm and undaunted amidst the general convulsion that seemed to rock the ship of State in a most fearful manner, and preserved our Constitution, the boast and pride of this country and the admiration of the world? Henry Clay, of Kentucky! While he was thus patriotically engaged in preserving the integrity of the Union, and reconciling States that had almost become in a state of alienation towards each other, what position did you occupy? Were you striving to maintain friendly relations between the different sections of the country, by the adoption of conciliatory means, and thus allaying the excitement which pervaded the country to such a dangerous extent? No. But as a member of the Legislature of New York, you urged the adoption of a resolution pregnant with the most alarming infractions of the Federal Constitution, inculating the most deadly hatred between sovereign States, disrobing them of their admitted constitutional rights to gratify chimerical views of policy and expediency—impairing the value of slave the population, and extending the action of Congress over the institution of slavery.

If your views in regard to this resolution had been carried into effect, and sanctioned by Congress, we should have seen the ruins of that representative principle, the glory of the Teutonic race, by which popular government, anciently confined in cities, has become capable of being strengthened by its extension over a vast country, to which the most enlightened foresight cannot even now assign any limits; and which time still distant will exhibit in this newly discovered world, a republican confederacy, likely to surpass the Macedonian and Roman Empires in greatness and distinction, but gloriously founded on equal rights, not like them, on the universal subjugation of mankind.

A sense, both of justice and of gratitude, demands the acknowledgment that the compromise, which rescued the confederated States from a state of internal dissensions and hostile feelings in which they had been plunged, and restored them to peace, tranquility, and fraternal affection, was the work of that great statesman, HENRY CLAY, who has not only maintained the most perfect integrity, the most unsullied purity, in situations where these virtues are exposed to the severest trials, but who superadded thereto, such a disinterestedness of mind, such an indifference to every personal feeling and consideration, such an entire and absolute devotedness to the integrity of the Union, which he views as the source of American patriotism and American valor, that in him the attachment to self, which seems to be inseparably interwoven with our nature, was lost and absorbed in unceasing solicitude for the public welfare—a work which will excite the patriotism of unborn generations, and which would be sufficient of itself to transmit, with unsullied lustre, the name of Clay to the latest posterity. This is no exaggeration. In the eye of unbiassed reason, the framer of that patriotic and well considered compromise deserves, on that

* Extract of a letter from Mr. Jefferson to J. Adams December 10, 1820.

"The banks, bankrupt law, manufactures, Spanish treaty are nothing. These are occurrences, which like the waves in a storm, will pass under the ship. But the Missouri question is a breaker on which we shall lose the Missouri country, and what more God only knows. From the battle of Bunker's Hill to the treaty of Paris, we never had so ominous a question," &c.

From Mr. Jefferson to Mr. Short.

"Although I had laid down to myself never to write, talk, even to think of politics, to know nothing of public officers, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. I have been the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question."

From Mr. Jefferson to Mr. Holmes.

April 22, 1820.

This momentous question like a fire bell in the night, awakened me and filled me with horror. I considered it the snell of the Union.

account, no less appalling than all mankind would have been eager to bestow on him if he had founded the government. By his comprehensive energy and firmness of mind, by his decision of character, by his intrepidity of soul, he became the bulwark and, under Providence, the preserver of his country, at a crisis of unprecedented difficulty, danger, and dismay.

I have thus taken an elaborate view of your principles in regard to the admission of Missouri into the Union. I have done so with the view of exhibiting their general tendency, and your disposition to push the action of the Federal Government to the most extreme point of consolidation, alike destructive of the limitations of the Constitution, as detrimental to the stability of the Union.

A WHIG OF 1840.

THE WHIG STANDARD.



"Flag of the free: thy folds shall fly, The sign of hope and triumph high."

FOR PRESIDENT,
HENRY CLAY,
OF KENTUCKY.

WASHINGTON.

THURSDAY MORNING, MARCH 7, 1844.

Van Buren's opinion of the present Tariff.

The letter published by the Richmond Enquirer places this opinion on record, without equivocation, and it is well to keep it in mind:

"ALBANY, Feb. 28, 1843.
"My Dear Sir—I thank you very kindly for your friendly letter. I HAVE AT NO TIME, NOR ANY WHERE, HESITATED TO EXPRESS MY DECIDED DISAPPROBATION OF THE TARIFF ACT OF THE LAST SESSION, AS WELL IN RESPECT TO THE PRINCIPLE UPON WHICH IT IS FOUNDED, AS TO ITS DETAILS. In good time you will have my views in respect to that and other subjects before the public.
In the mean time, believe me to be, very sincerely, your friend and obedient servant,
MARTIN VAN BUREN."

SECRETARY OF STATE.—It is understood that the Senate yesterday considered, and unanimously confirmed, the nomination of Hon. JOHN C. CALHOUN, of South Carolina, as Secretary of State.

THE ARRAIGNMENT OF A DISTINGUISHED EDITOR BEFORE THE BAR OF THE PUBLIC.

The following is one of the best *jeu d'esprits* we have met with in many a day, and the best of it is that it is so faithful to truth. We would suggest to the able editor of the Petersburg Intelligencer, from which we copy it, to proceed in his arraignment and trial of other distinguished individuals of the country upon the same and other charges; of their conviction by the people there can be no doubt, as evidence of their guilt, clear, explicit, positive, undeniable, could be produced. We suggest to him the names of Blair, Croswell, Buchanan, the editors of the New York Evening Post, &c.

"IMPORTANT TRIAL AND CONVICTION."—Oyez! Oyez! Silence is commanded on pain of imprisonment, while the editor of the Richmond Enquirer is on trial before the people of Virginia for sundry high crimes and misdemeanors.

People of Virginia. Thomas Ritchie, you are charged with having supported for the Presidency William H. Crawford, the ablest and most constant champion of that "Federal Monster," a National Bank. What say you, are you guilty or not guilty?

Prisoner. I did support William H. Crawford, but at that time a National Bank was not considered unconstitutional.

People. When did you discover it to be unconstitutional?

Prisoner. When General Jackson began to make war on it.

People. How is it that General Jackson is such high authority with you? Did you not at one time assert publicly that he would, if elected to the Presidency, "prove a curse to the country," and say many other things derogatory to his intellect and character?

Prisoner. I did; but afterwards, when he was basking in the sunshine of popular favor, I made ample atonement for my offences against him, by being one of his most devoted and obedient followers.

People. Were you not once violently opposed to what is called the Sub-Treasury scheme? Did you not denounce it in unmeasured terms, and predict that if it were adopted it would prove ruinous to the country?

Prisoner. I did.

People. What induced you to change your opinion?

Prisoner. My party, after having denounced it as bitterly as I ever did, took it up, and I could not afford to be left in a minority.

People. Did you not follow William C. Rives in denouncing the Sub-Treasury, and afterwards denounce him for sticking to the text from which you yourself had so often preached?

Prisoner. I did, because Mr. Rives adhered obstinately to his opinions after he saw the PARTY were bent on carrying out the measure, and if I had not abandoned him the party would have abandoned me.

People. Were you not at one time a warm advocate of the distribution of the fund accruing from the sales of the public lands among the States?

Prisoner. I was.

People. Why have you changed your opinion?

Prisoner. My party have taken ground against this measure, and if I abandon them they will denounce me.

People. Stand up, prisoner, and hear the sentence which we pronounce on you.

After a fair and impartial trial, you have been found guilty of the crime of being a time-serving and disingenuous politician. You have sacrificed principles to men, and prostituted your influence to the base ends of party. We therefore decree, that henceforth the motto of your paper shall be "Fear without Truth," in order that every man may be warned not to trust to your declarations, which are made but to deceive, or to your promises, which are made only to betray.

THE WEATHERCOCK UPON THE WHITE HOUSE.

The following significant article from the Madisonian, shows clearly which way the weathercock of the White House points, at this time, namely, Locofoco, "north northwest," the wind being southerly."

Will not the Locofoco party be so kind as to drop Van and take Mr. Tyler? Do now, and oblige him; he will do anything for you if you will.

"THIRD PARTY—DESERTION OF MR. CALHOUN—DEFECTION OF MR. RIVES.

The Madisonian is at work on a third party. It assails Mr. Calhoun, and glorifies Mr. Rives."—Exchange paper.

There are three distinct errors in the above. We are not "at work on a third party." We do not desire to see a third party. We are merely laboring to organize and consolidate the Democratic friends of Mr. Tyler, who deem it but "justice" that, inasmuch as his Democratic acts (particularly his Vetoes), caused all the Federal artillery to play upon his head, the entire Democratic party should rally round the one so furiously assailed—and assailed because of his Vetoes, which saved the party from destruction. If the Democratic organs, and friends of Mr. Van Buren, or Mr. Anybody else, shall draw a line between the Veto friends of Mr. Tyler and themselves, it will be their own act. So far from desiring a third party, we only desire to save the great Republican party. We know it cannot be saved again, if the man who saved it in 1841 be denounced by it. To be successful, the party must first be just.

FIRST WHIG RALLY FOR 1844.

An immense assemblage of the Whigs of our city, (says the New York Tribune of Tuesday,) convened last evening, at and around the Tabernacle, in obedience to the call of our General Committees, to open the campaign of 1844, for Henry Clay. JOHN S. LAWRENCE, Esq. presided, assisted by seventeen Vice Presidents. The spacious edifice was crowded to overflowing at an early hour, and when the meeting was called to order every inch of sitting or standing room was densely packed with eager and enthusiastic Whigs. One of the galleries was reserved for the Ladies and their attendant gentlemen, and this alone, though well filled, offered any chance for a seat after seven o'clock; while the orchestra was graced with the presence of many of our best female vocalists. At eight o'clock hundreds were obliged to leave, from the absolute incapacity of the building to contain them in any way, though every aisle and outer passage was filled to its utmost capacity. There cannot have been less than 5,000, and we think there were nearer 6,000, who attended this meeting, though hardly half the number were enabled to participate at any one time in the proceedings.

After a few pertinent remarks by the President, and a spirited Ode by the Choir, followed the Oration of D. Francis Bacon, Esq. on "The Time, The Purpose, and The Man." It is indeed a masterly production, and we trust every voting reader at least will let nothing debar him the pleasure and instruction which its perusal must afford him. Let it be every where circulated and read, for it will strengthen the hands and quicken the energies of every Whig who listens to its truthful eloquence.

On Tuesday last, JOSEPH EACHES, Esq., was re-elected Mayor of the town of Alexandria for the ensuing year.

LIGHT IN A DARK CORNER!—We are glad, (says the Baltimore Patriot,) to have good tidings from benighted MISSOURI. Recent accounts give token of the uprising of the people and the consequent prostration of locofocoism throughout the State. A letter, under date of St. Louis, 12th ult., says:

"Organization and preparation for action are going on with heartiness and unanimity. Every Whig heart beats with one pulse, and that is for him of Ashland. And the sum of the whole matter is, that if Mr. Van Buren is the Locofoco candidate, we proclaim to the great Whig party throughout the land that, unless all human calculations and foresight shall be put to naught, Missouri will vote for HENRY CLAY."

VERMONT.—The Whigs of Vermont held conventions on the 22d of February in almost every town, and organized Clay Clubs. The Green Mountain Boys are up and doing, and no mistake. The spirit of 1840 is reviving amongst the people of the Green Hills.

A VOTE BY ACCIDENT. The Calais (Maine) Journal, tells the following:

"The town of C. is Locofoco to the back-bone. On counting the votes at a recent election, the presiding officer was greatly astonished to find a Whig vote. With a good deal of gravity he took it between his fingers, and holding it up to the audience, sung out with a Stentorian voice, 'Who threw this vote? No answer.' 'Who threw this Whig vote? This vote is evidently here by accident, gentlemen!' and upon this he very unceremoniously threw it down on the floor uncounted."

The Locofocos in Connecticut have for a long time been consulting together on the subject of the Tariff. They don't like a high Tariff, a protective Tariff, nor a judicious Tariff; but at a public meeting recently held, they solemnly resolved that they were in favor of a "satisfactory Tariff." Will some of their friends inform us what kind of a Tariff would prove satisfactory to them?—Forum.

SLAVE INSURRECTION IN CUBA.—Captain Lucas of the barque Sharon, arrived at New York on the 4th instant, from Matanzas, with dates to the 20th February, which states that the slaves in the vicinity of that port rose on their masters and overseers on the 19th ult., and scalded to death an engineer on one of the plantations. Of 250 slaves on one estate, 100 have been placed in irons. The others fled and joined the insurgents. Troops were ordered out, and would scour the country in every direction. The outbreak was the result of a conspiracy, in which the whole population in the vicinity had united.

Cassius M. Clay has announced his determination to emancipate all his slaves in the course of the present year. Mr. Clay is a very large slave-holder, and is said to be the richest man in Kentucky.

COL. JOHNSON.—Col. R. M. Johnson, has written a letter to General Cameron, in which he says: "My friends alone have and can continue to give me my position before the public, and they have an equal right to nominate me for the office of President or that of Vice President. It would not become me to condemn either; but to thank all, and submit to the decision of the Baltimore Convention. Then, and not till then, would it be respectful in me to assume the right and the power, to take myself out of the hands of my friends. But it is clearly my duty to act neutral till the action of the National Convention, when I shall feel the paramount obligation to discharge my solemn promise, in submitting to its decision, and act accordingly. In conclusion, I invoke the liberality and magnanimity of my friends towards myself in regard to the grounds I have taken, and towards each other, for an honest difference of views and opinions."

AN OUTRAGE.—The New York Herald of Monday says: "On Saturday night, the house of Thomas and William Gilbert, 17 Leonard street, was entered by two men, who immediately seized the former, who was in one of the parlors above, and demanded money. He denied having any in his possession, when the ruffians threw him upon the floor and placed a pillow over his face to prevent him from making an alarm, and immediately forced a rope into his mouth and attempted to gag him, and then tied his hands and legs. They then again demanded money, when he gave them two sovereigns and some small change which he had in his pocket. This did not satisfy the rogues, when they threatened his life, and he told them that they would find \$150 in a small table in the basement below. They descended, and returned without making the discovery, and again used threats to intimidate him to reveal where his money was kept; but becoming alarmed, fled from the premises without obtaining anything else except a few silver spoons that were in the cupboard in the basement."

CORPORATION OF WASHINGTON.

BOARD OF ALDERMEN, Monday, March 4, 1844.

Present, Messrs. Magruder, Barclay, Orme, Wilson, Goddard, Beck, Maury, Adams, (president) Byington, Brady, Marshall, and Clark.

Mr. ORME presented a petition from Joseph Abbott and others; which was referred to the Committee on Improvements.

Mr. GODDARD presented a petition from John P. Van Ness and others; which was referred to the Committee on Improvements.

On motion of Mr. GODDARD, the Board resumed the consideration of the petition of George McCauley. The question was then on discharging the Committee of Claims from the further consideration of the petition; which was decided in the affirmative.

On motion of Mr. MAGRUDER, the Board resumed the consideration of the bill in relation to dogs; and it was then, on motion, referred to Messrs. Magruder, Goddard, and Beck.

Mr. BYINGTON, from the Committee on Improvements, reported without amendment the bill for completing the construction of the sewer at the intersection of 4th street east and M street south; and it was then read the third time and passed.

On motion of Mr. BARCLAY, the Board resumed the consideration of the petition of Wm. Markward. The question was then on discharging the Committee of Claims from the further consideration of the petition; which was decided in the affirmative.

On motion of Mr. CLARK, the Board resumed the consideration of the resolution relative to a code of laws for the District of Columbia; and it was then, on motion, referred to Messrs. Brady, Wilson, and Maury.

On motion of Mr. GODDARD, the Board resumed the consideration of the bill to provide for the payment of damages created by building the new almshouse. The question was then on the third reading, which, being taken, it was decided in the negative. So the bill was rejected.

And the Board adjourned.

BOARD OF COMMON COUNCIL, March 4, 1844.

The Board met. All the members present.

Mr. HALIDAY presented the petition of Eli Davis, praying remission of a fine; which was read and referred to the Committee of Claims.

Mr. BACON presented the petition of John T. Clements and others, praying for the improvement of 5th street west, from 1st street to New York avenue; which was read, and referred to the Committee on Improvements.

Mr. BACON presented the petition of W. W. Seaton and others, praying for the curb to be set and footway paved on the west side of 7th street west, from F street south to C street south; which was read, and referred to the Committee on Improvements.

Mr. LYNCH, from the Committee on Police, to whom was referred the bill from the Board of Aldermen, entitled "An act making an appropriation for the purpose of paying balances due to certain police officers," reported the same without amendment; and the bill was read the third time and passed.

The Board, on motion, resumed the consideration of the bill entitled "An act to regulate taverns and ordinaries, and to repeal all acts heretofore passed on that subject, and for other purposes."

Amendments to the third section were proposed by Mr. HALIDAY and Mr. LENOX, and agreed to.

Mr. MUND moved to amend the bill by striking out the second and third sections, and inserting others in lieu of them; which motion was negatived.

Mr. TOWERS moved to amend the second section by striking out "six" and inserting "three" as the number of bed-chambers required; but before the question was taken thereon—

Mr. MUND moved that the Board do now adjourn; which motion was carried in the affirmative, as follows:

YEAS—Messrs. Mudd, Callan, Lenox, Towers, Hicks, McCauley, Dixon, Neale, Fulmer, Crandell, and Cull—11.

NAYS—Messrs. Wilson, Harrison, Davis, Haliday, Bacon, and French—6.

And then the Board adjourned.